

**From:** Joe Piolunek  
**To:** Microsoft ATR  
**Date:** 1/23/02 9:13pm  
**Subject:** Microsoft Settlement

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US Department of Justice:

I am a US citizen who wishes to register an objection to the more microsoft-friendly settlement plan in the MICROSOFT(R)-vs-doj antitrust proceeding.

I have some further comments regarding the proceeding.

First, am not professionally associated with any computing or advertising firm, and have not received any compensation for sending this message. I am an avid computer user and hobbyist program developer. I read technical articles related to computer operating systems, software and microsoft, and have formed an opinion regarding them, which I would like to share with you.

This is a time of great upheaval in the computing industry. Many, if not most, companies in the industry are suffering financial trouble. A major reason for this is that the desktop computer market is nearing saturation, and development of the most prevalent operating system (ms-windows, by far) provided with new computers has reached the point where its functionality can not be greatly improved. It already does almost everything home and corporate desktop users want their computer to do. Because computers can have a life span of at least ten years, the standard industry practice has and still involves using a variety of means to deliberately degrade and/or destroy the usefulness of existing systems and products in order to sell new ones, regardless of whose property is being degraded or destroyed. That practice is likely to continue if microsoft remains the major force in the industry, and may continue anyway. It probably has been a useful policy for national security and other reasons, but has been expensive for computer users. For many users, the cumulative personal cost of that policy is enough for them to say "That's enough. I don't need to buy another computer."

In the mid to long term, use of microsoft's computer software products will diminish. Microsoft may become little more than a massive marketing machine attempting to sell the equivalent of flint arrowheads to modern soldiers. That time is almost here. Thousands of (mostly professional) software developers from all around the world have been working together to create a new and much improved software system that they hope will be allowed to take the place of microsoft products. Unless world governments band together to do the unthinkable and unconscionable, the new system will eventually displace microsoft and its products regardless of any new laws created or court decisions rendered. The new system is called "open-source" or "Free Software\*", which includes the Linux / GNU operating system, and other products. Before microsoft is finally displaced, it will use every tactic it can to destroy (if attempts at control fail) products, companies, and organizations before they can become truly competitive. In my opinion, if microsoft's behavior is not effectively changed (by government or court - it will not change itself), it will make all-out use of monopolistic practices (legal or not) to the detriment of many other companies and persons in the computing industry, and to end users.

### National Security Concerns

In my opinion, microsoft's software products are unfit and unsafe for use on any internet-connected computer containing sensitive information, or any laptop or notebook computer containing sensitive information that can be carried into unsecured areas. Its products have been a continuing security nightmare, and there can never be any reasonable assurance that hidden problems have been corrected. In closed-source operating systems such as microsoft's, no law or authority can prevent hidden flaws from being exploited by enemies.

### The Importance of a Free Market

The authorities currently controlling national policy claim to promote free market conditions, but they are doing the opposite in this case. A "free market" is just that - free. If any entity, whether a government or a business, moves into a marketplace and takes control to the extent that microsoft has, then that market can no longer be called free. To use an analogy, suppose a local flea market has been operating freely, with individual vendors bringing their own tables to set up to sell goods from wherever there is space. Along comes a monopolistic organization that tells all the vendors that they will now have to rent space and tables from the monopolist; that they can only sell the monopolist's shiny and popular but overpriced, identical, and unpredictably dangerous wares; and that they must agree to publically support the system. The vendors, and especially the monopolist, would profit (for a while) from the lack of freedom, but to the buying public, the value of the marketplace would be greatly decreased.

### Organized Crime

Microsoft exhibits many of the characteristics of an organized crime gang. It continually involved its organization in illegal activity, as determined by the US justice system, which only examined a tiny portion of microsoft's questionable actions. To me, microsoft appears to have recently escalated its illegal (monopolistic) activities.

### "Settle"?? with Microsoft??

Should a common bank-robber be allowed to determine how much of the loot he gets to keep? The DOJ needs to show some responsibility in this case. By that I mean responsibility to humanity or at least US citizens, not responsibility to those few who contributed to a presidential campaign.

Microsoft illegally (as determined by the court) and very obviously (as determined by me) holds a monopoly on operating systems as used in desktop computers. It also appears to be frantically seeking to extend its monopoly into other areas of computing. I strongly feel that microsoft needs to be stopped, and stopped immediately.

### The Proposed "Settlement"

The proposed settlement is like giving your future to someone who stole your past. It will promote microsoft's monopoly, not provide a remedy.

## A More Proper "Settlement":

### 1. End microsoft's corporate status.

Microsoft's corporate officers have been allowed to hide behind laws that protect them, grinning like cheshire cats, while MS is allowed to conduct illegal activities as a corporation. A proper remedy would see to it that microsoft loses or gives up its Certificate of Incorporation, and that they do not re-incorporate.

### 2. Order that ms-windows can be resold, regardless of license.

Let end-users remove unwanted microsoft products from their computer and sell them if a buyer can be found.

### 3. Order microsoft to distribute free alternatives to its products.

Prevent microsoft from offering any of its products for sale as disks, for download, or installation on new computers unless the end-user is provided with a free set of disks for any current official version of any open-source non-microsoft-affiliated operating system, and a free license to use and copy them for redistribution. Make this retroactive for any installation of ms-windows where microsoft promoted it as a means to store sensitive information while connected to the internet, or any laptop/notebook computer that was originally sold as being suitable for carrying into unsecured areas while containing both sensitive information and microsoft products.

### 4. Force microsoft "sponsored" comments to be identified as such.

Microsoft is actively attempting to destroy Linux, and is fairly open about its intent, but not its tactics. One of its more offensive tactics appears to be "sponsoring" the mass posting of anti-Linux comments on popular internet discussion sites. The common name for the practice is "astroturfing" (phony grass roots), and is usually carried out by public relations companies for paying clients. It is the equivalent of hidden, undisclosed advertising and must be stopped.

Microsoft has also been found (by state Attorneys General) to create fraudulent "comments" which they have sent to government agencies, and which are obviously meant to obstruct justice in some way. Due to the recent escalation of commissioned pro-microsoft posting on internet discussion sites, I suspect that the DOJ address I'm sending this to is being inundated with similarly commissioned pro-microsoft messages. The intent of those commissioning the messages would be to obstruct justice. The practice must be ended, and not just in this case.

### 5. Bar microsoft from being involved in the technical training of Judges.

Obviously, Judges need to be minimally competent in the details of the case they are hearing. I am not very familiar with this issue, but my assumption is that professional technical training would be provided to a Judge that

requires it. If during the training program the Judge is deliberately misled by being fed incorrect technical information, it could easily lead to a misjudgment at the bench, which may be taken as bias by observers.

6. Assist open-source Free Software development.

Open-source free software will become the foundation of computing in the future. At some point, the commercial software industry will have to find a new role or it will disappear. A forward-thinking policy would be to assist the transition whenever possible, rather than contribute to protracted chaos by fighting it. Since microsoft has been found to be taking economic advantage through monopolistic practices, a proper "settlement" would include microsoft being required to provide funding for Linux (its current target for destruction) development through a prominent noncommercial organization that supports the ideals of the open-source Free Software movement.

With diminished expectations  
and too little reason for respect,

Joe Piolunek

\*Free Software as used above means it is distributed and used under the "GPL" or other similar license.

This message was composed and sent using the KMail email application on a desktop computer running the Linux operating system.

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